(4)

(2) CF 1002

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 4666 /2006

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIOINER

Krishna Ram Ramteke, aged about 49 years, son of Late Manbodhi Ram, occupation – Service (District Project Co-ordinator (Suspended) – Rajiv Gandhi Shiksha Mission – Dhamtari), R/o village Sambalpur, District Dhamtari, Chhattisgarh

P.R. No. 4705/06
Presented by Shri Atul Kumar
Dated 25/8/06

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VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. Awar Sachiv, Department of School Education, Dau Kalyan Sinigh Bhawan, Raipur (Chhattisgarh)

3. Mission Director, Rajiv Gandhi Shiksha Mission, Chhattisgarh, Raipur.

(3) (5)

4. The Collector – District Mission Dsirector, Dhamtari, Distt. Dhamtari (Chhattisgarh)

XI-HC-78

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4666/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31-8-2006

Mr. Vinay Pandey, counsel for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged his suspension order dated 10-8-2006 (Annexure P-3) passed by respondent No.2 on the ground that the said suspension order is not in consonance with Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.

As per Rule 9 of the Rules, 1966 an employee can be suspended in two contingencies where enquiry in respect of misconduct of an employee is contemplated or he is facing some criminal charge. The impugned order does not reflect that whether any enquiry is contemplated against the petitioner or not. Therefore, the order impugned is *ex-facie* not in consonance with the provisions of Rule 9 of the Rules, 1966, as such, the order is liable to be quashed at the threshold and it is hereby quashed. However, the concerned authority shall be at liberty to pass order afresh in consonance with Rule 9 of the Rules, 1966.

Time and again it has been observed that the authorities are suspending the officers without complying Rule 9 of the Rules, 1966.

With the observations aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.3602/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge